

REMARKS

Claims 1-28 are currently pending in the application. New claims 29-39 are presented for consideration.

Claims 9, 21 and 25 stand objected to based on informalities identified in paragraph one of the action. Claims 9 and 21 have been amended to address the alleged problem.

Claim 25 has not been amended since the connecting element is recited independently of a portable article. Accordingly, the connecting element cannot be positively claimed in terms of its interaction with the portable article. Withdrawal of the objection with respect to claims 9, 21 and 25 is requested.

All claims 1-28 stand rejected under 35 U.S.C. §103 as obvious over U.S. Patent No. 6,700,488, to Leyden et al. (Leyden), in view of U.S. Patent No. 6,177,869 (McDaid).

Reconsideration of the rejection of claims 1-28 and favorable consideration of new claims 29-39 are requested.

Claim 1 had been amended to characterize the second portion of the at least one connecting element as comprising at least one piece of substantially flat metal stock that is formed to define the at least one connecting element. Claim 1 further characterizes the portable article as captive between the first support and return bend.

These amendments highlight the differences between the Leyden and McDaid structures, which supports the fact that the combination thereof is not appropriate. However, even in combination, the claimed structure is not taught in, or obvious from, the combination of Leyden and McDaid.

McDaid, rather than being directed to a structure through which a portable article is captive between a support and a connecting element, teaches separate interacting

components in the form of an alarm housing 12 and receiver 14, with the latter required to be permanently mounted on a portable article for interaction with the former.

However, even if the combination is made, there is still lacking a corresponding connecting element with a flat metal portion that at least one of a) is hardened, b) has a stepped configuration, and c) has a shaped non-flat surface so as to thereby be resistant to bending in a manner to allow the portable article to be released from the secured state.

The Examiner relies on the description in McDaid in the bridging paragraphs between columns 2 and 3 in making the rejection. However, McDaid does not, in that paragraph or elsewhere, teach or suggest any of a), b), or c), above, to thereby resist bending of a corresponding connecting element so as to release a secured article. Instead, McDaid states in lines 9-12 in column 3 that "[t]he shape must be such that the rails 28, 34 are thick enough so as not to bend outwardly significantly when subjected to a relatively large amount of pulling force, as at 30". One reading this disclosure would unequivocally be taught to increase the dimension of what the Examiner is alleging as a corresponding connecting element to make it resistant to bending. This is a teaching that is away from making the material hardened, producing a stepped configuration, or making a non-flat surface on the connecting element to make the same resistant to bending as might release the article. Whereas, a), b) and c) offer an alternative to thickening a material to improve its resistance to deformation, McDaid expressly teaches only thickening.

Accordingly, claim 1 is believed allowable.

Claims 2-21, and new claims 29-34 depend cognately from claim 1 and recite further significant structural detail to further distinguish over the prior art.

As one example, claim 10 characterizes the at least one connecting element as having a length along which the arm and return bend are formed, with the rib extending along the length of the at least one connecting element to define the stepped configuration. The corresponding length on the rails 28 in McDaid would extend downwardly and then horizontally with respect to the "L" shape of the rails 28, as seen most clearly in Fig. 5. No such rib is shown or suggested thereat in McDaid.

Claims 29 and 30 respectively characterize the rib as defined on the return bend and main body.

Claims 31-34 further describe the non-flat shape on the connecting element that extends over at least a part of the length thereof. McDaid does not teach or suggest any like structure.

Claim 22 has been amended to clarify that the first leg projects from the base. The arm is configured so that the second leg captively overlies a portion of the portable article. The at least one connecting element is characterized as comprising a substantially flat metal material that at least one of a) is hardened, b) has a stepped configuration, and c) has a shaped, non-flat surface so as to thereby be resistant to bending transversely to the length of the arm along which the first and second legs are formed.

As noted with respect to claim 1, neither Leyden nor McDaid teaches any like structure for resisting bending transversely to the length of the arm.

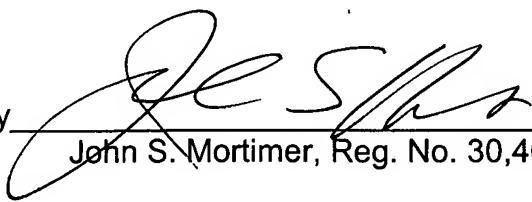
Claim 22 is believed allowable, as are claims 23-28, and new claims 35-39, each of which depends cognately from claim 22 and recites further significant structural detail to further distinguish over the prior art.

Reconsideration of the rejection of claims 1-28 and allowance of the case are requested.

Enclosed is the extra claim fee of \$275. Should additional fees be required in connection with this matter, please charge Deposit Account No. 23-0785.

Respectfully submitted,

By


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